



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 6766-98

14 May 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 May 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Military Awards Branch and Enlisted Promotions Branch, Headquarters, Marine Corps (HQMC), copies of which are enclosed.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 16 September 1968 for two years at age 20. The record reflects that you were advanced to PFC (E-2) on 1 March 1969 and served without incident until 4 April 1969 when you received nonjudicial punishment for a one day period of UA. Punishment imposed was a reduction in rank to PVT (E-1) and forfeitures of \$20 per month for two months. The reduction in rank was suspended for three months.

You reported to duty in Vietnam on 15 April 1969 and served until you were medically transferred on 16 July 1969 due to a tumor on your left shoulder.

Your record further reflects a Military Pay Order (DD Form 114) of 22 October 1969 which states that you were scheduled for

release from active duty on 7 November 1969 and that your rank on the date of separation was LCPL (E-3). However, in another part of the order, it was noted that you were a PFC. There is no documentation in any other available records to show that you were ever advanced to LCPL. On 7 November 1969, you were honorably released from active duty and transferred to the Marine Corps Reserve. The Certificate of Release from Active Duty or Discharge (DD Form 214) indicates you were separated as a PFC. You were honorably discharged upon completion of your obligated service on 31 May 1974.

In its review of your application, the Board conducted a careful search of your records for any evidence, other than the foregoing military pay order, which would indicate you were advanced to LCPL. However, no evidence could be found. The Board, now 30 years later, was not persuaded that the military pay order provided sufficient evidence that you were advanced to LCPL prior to or on the date of your separation. The Board also noted your signature on the DD Form 214 indicates that you verified the information on the form and it was correct. Absent convincing evidence to the contrary, the Board finds no basis for correcting your record to show you were separated as a LCPL. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Your record is being returned to HQMC for issuance of a DD Form 215 (Correction to DD Form 214) to show the additional awards to which the Military Awards Branch says you are entitled. The DD Form 215 will be forwarded to you under separate correspondence by HQMC.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures